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March 10, 2003

TO: Each Supervisor

FROM: Thomas L. Garthwaite, M.D. *Thomas L. Garthwaite*
Director and Chief Medical Officer

SUBJECT: **SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF
2000 – PROPOSITION 36 - PROGRESS REPORT**

Attached is a six-month progress report on the implementation and ongoing operation of the Substance Abuse and Crime Prevention Act of 2000 in Los Angeles County. Commonly known as Proposition 36, this initiative statute mandated major changes to the County's criminal justice and drug treatment systems in the handling of non-violent drug offenders after July 1, 2001.

As mandated by law, Proposition 36 services were implemented in Los Angeles County on July 1, 2001, and progress reports were submitted to your Board every 60 days. The Chair of the Proposition 36 Implementation Task Force, Judge Ana Maria Luna, presented the first Annual Report (2001-2002) on the Implementation of Proposition 36 in Los Angeles County, to your Board on November 26, 2002. As implementation has been completed and the on-going operation is now in a maintenance mode, progress reports will be submitted on a semi-annual basis. This six-month progress report summarizes the collaborative efforts of County agencies providing Proposition 36 services as of December 31, 2002.

If you have any questions or need additional information, please let me know.

TLG:cml

Attachment

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors

**PROPOSITION 36
SUBSTANCE ABUSE AND CRIME PREVENTION ACT (SACPA) OF 2000**

PROGRESS REPORT

BACKGROUND

Effective July 1, 2001, Proposition 36 amended existing drug sentencing laws to require criminal defendants who are convicted of a non-violent drug offense to be placed in drug treatment as a condition of probation instead of incarceration. Proposition 36 also applies to State parolees who are convicted of new non-violent drug offenses or who commit drug-related parole violations. The Department of Health Services Alcohol and Drug Program Administration (ADPA) was designated as the County's lead agency, and the Countywide Criminal Justice Coordination Committee (CCJCC) Proposition 36 Implementation Task Force as the advisory group. These groups are responsible for the development of policy and procedures for implementing Proposition 36, as well as the continued operational oversight among all involved County departments and the Superior Court.

Los Angeles County received \$15.7 million for FY 2000-01, and \$30 million for FY 2001-02 for Proposition 36 services. The allocation for FY 2002-03 is \$30,348,378 in State Proposition 36 funds, and \$2,305,726 in Federal Substance Abuse Prevention and Treatment Block Grant funds. The County expects to receive similar funding for subsequent fiscal years through FY 2005-06. The funds are specifically earmarked for Proposition 36 services and must be used by the County to meet the statutory requirements for community-based drug treatment, drug testing, probation supervision, court monitoring, and other related services.

SERVICES UPDATE

Treatment services consist of a three-level system, which increase in duration and intensity depending on the assessed addiction severity of the participant. Services within the three levels include outpatient treatment, daycare habilitative services, narcotics replacement therapy, and residential treatment services. Treatment services consist of individual and group counseling as well as educational sessions, and mandatory attendance at self-help group meetings. The intensity and number of required sessions, including residential treatment, is based upon the assessed level of severity, public safety concerns, and Court-ordered level of treatment. Drug testing ranges from 1-2 times per week and is included in all levels of treatment. Additional supplemental treatment services include literacy training, vocational counseling, mental health, and health services. Proposition 36 also includes six months of continuing (after) care, which is part of a continuum of care for participants, and may include relapse prevention, alumni activities, and mentorship programs.

Since its implementation on July 1, 2001 through December 31, 2002, a total of 13,247 potential participants, had been referred by the Court or by the Board of Prison Terms (BPT), were determined to be eligible, and had opted to participate in Proposition 36. For the most part, the participants entering the program are felons, and the primary conviction charge is possession of a controlled substance.

Following the eligibility assessment and acceptance for Proposition 36 participation, potential participants are referred by the Court to the Community Assessment Service Centers (CASCs) for clinical assessment of the level of treatment services needed. Eligible parolees are referred by BPT directly to the CASCs. Of those electing to participate, 9,248 (70 percent) made appointments and were involved in the treatment referral/treatment process.

Of the participants who completed their CASC assessments, 7,831 were referred to Proposition 36 treatment programs. The number of participants receiving treatment services as of December 31, 2002 was 4,417. The difference of 3,414 reflects participants in transition (appointments to be made/to be assessed/to enter treatment), participants on bench warrant status and in custody, non-Los Angeles County residents referred to their County of residence for treatment services, participants referred to private insurance programs, participants satisfactorily and unsatisfactorily discharged from treatment, and participants terminated by the Court.

As of December 31, 2002, 176 participants had successfully completed treatment and had their cases dismissed by the Court.

Levels of Treatment - During this reporting period, participants were assigned to the following levels of services:

Level I	-	38%
Level II	-	41%
Level III	-	21%

Of those placed in treatment, 88 percent are receiving outpatient services and 12 percent are receiving inpatient/residential services.

Participant Characteristics - Males comprise 80 percent of the Proposition 36 participants, versus females at 20 percent. The average participant is between 25 and 44 years of age, and participant ethnicity includes Latino 41.3 percent, African American 26.9 percent, White 27.9 percent, Asian/Pacific Islander 1.6 percent, American Indian 0.7 percent, and Other 1.6 percent.

Geographic Characteristics - Participants in treatment are from the following areas: Service Planning Area (SPA) 1 - 3.7 percent; SPA 2 - 10.9 percent; SPA 3 - 25.9 percent; SPA 4 - 9.4 percent; SPA 5 - 3.4 percent, SPA 6 - 13.2 percent; SPA 7 - 13.9 percent; and SPA 8 - 19.6 percent.

FINANCE UPDATE

The Proposition 36 Los Angeles County Plan operating budget for Fiscal Year (FY) 2002-03 is approximately \$38.5 million. Treatment workloads have continued to ramp up since the inception, as new defendants qualify for services under Proposition 36. The following is a six-month financial statement for the period of July 1, 2002-December 31, 2002.

Approved Proposition 36 County Plan Funding:	\$38,478,958
Expenditures:	
Probation	1,620,624
Alcohol and Drug Program Administration	10,811,486
-Treatment providers	\$10,097,212
-Administrative activities and data systems	\$714,274
Superior Court (estimated)	<u>372,500</u>
Subtotal:	<u>\$ 12,804,610</u>
Income:	
Client Fees	\$89,650
Trust Fund Interest	<u>380,624</u>
Subtotal:	<u>\$470,274</u>
Remaining Funds:	<u><u>\$26,144,622</u></u>

MISCELLANEOUS

Proposition 36 Implementation Task Force

The Proposition 36 Implementation Task Force held its first annual meeting on September 30, 2002 at the ADPA office in Alhambra with more than 100 people in attendance. An overview of the first-year of operation and impact was given by Judge Ana Maria Luna (Los Angeles Superior Court), James Dabney (District Attorney), Michael Demby (Public Defender), David Davies (Probation), Patrick Ogawa (ADPA), and Albert Senella, who represented the treatment provider network. Judge Luna also presented the first Los Angeles County Proposition 36 Annual Report for the Task Force's review and approval. The report, with a few amendments, was approved by the Task Force for presentation to the CCJCC.

Judge Luna presented the annual report to the CCJCC on October 16, 2002. The report was approved for presentation to your Board on November 26, 2002.

Board of Prison Terms and the California Department of Corrections - Parole

Eligible parolees are referred for Proposition 36 treatment services via the Court (new arrest) or via the Board of Prison Terms (BPT) for parolee violators. Upon the lifting of a parole hold, parolees processed by the Court are referred for services in the same manner as all eligible participants via sentencing, followed by referral for assessment, and placement in treatment. Eligible parole violators were referred directly to the CASCs via BPT. Follow-up supervision was provided by BPT, located in Sacramento. Effective October 1, 2002, parole violators are now referred and locally supervised by parole agents in Region III (Los Angeles County), California Department of Corrections (CDC) – Parole and Community Services Division. ADPA is working with BPT and CDC to reconcile the lists of eligible parolees (which are currently maintained in several State databases) with the local Proposition 36 automated information system. ADPA has recommended to the State that the reconciliation of referrals be done regularly, on a quarterly basis.

To facilitate on-going communication with CDC/Parole, local representatives have been invited to participate in the Proposition 36 Regional Coordinating Council meetings, and Parole is one of the regular roundtable discussion items.

Proposition 36 Regional Coordinating Council Meetings

Four Regional Coordinating Councils are convened quarterly by the Alcohol and Drug Program Administration in collaboration with Regional Court Coordinators. The Councils review and discuss the implementation and operation of Proposition 36 and address issues specific to the local areas. The Councils are composed of representatives from the local branches of the Court, Public Defender's Office, District Attorney's Office, Probation, Parole, Community Assessment Service Centers (CASCs), community treatment providers and interested others. The purpose of the Regional Coordinating Councils is to:

- C Coordinate collaboration and information-sharing among all the involved agencies;
- C Enhance community involvement with the agencies;
- C Provide a forum for sharing information and requesting direction from the Proposition 36 Executive Steering Committee; and,
- C Provide information and support to the various agencies as appropriate.

During this six-month reporting period, six Regional Coordinating Council meetings were held in Compton, Covina, Downey, Inglewood, Long Beach, and Tarzana with more than 400 persons in overall attendance. All Council meetings are open to the public and each agenda allows for public comments. The meetings, as well as agenda and discussion notes, are posted on ADPA's website.

Community Assessment Service Centers (CASCs)

For the most part, all CASCs are operating smoothly. Due to capacity issues, CASCs occasionally experience difficulties in placing special needs or residential participants. To facilitate the process, alternative placement procedures have been developed including placement of participants in high intensity outpatient treatment programs pending availability of the next residential slot.

During this reporting period, there was an increase of referrals from other counties (primarily Orange and Riverside Counties) to the local CASCs. These participants are Los Angeles County residents who were convicted of a Proposition 36-eligible crime in another county and referred back to Los Angeles County (legal county of residence) for treatment services as mandated by the State.

Request for Proposals

ADPA issued a Request For Proposals (RFP) for Proposition 36 Outpatient and Residential Treatment Services in September 2002, to expand outpatient and residential treatment services within each Service Planning Area (SPA) of the County. The RFP addresses service gaps for specific priority populations and geographic areas that have been identified since the initial implementation of the Proposition 36 program. The priority populations are: dually diagnosed (co-occurring mental illness and substance abuse); monolingual Spanish-speaking participants; monolingual non-English/non-Spanish speaking participants; women with school age children; women; and homeless persons.

Three Proposers' Conferences were conducted in October 2002. The deadline for submission of proposals was November 4, 2002 and the proposals are in the final review process. Recommendations for contract awards are expected to be submitted for your Board's approval in March 2003.

Proposition 36 Focus County Statewide Evaluation

All 58 California counties are participating in a statewide evaluation; however, 10 focus counties (including Los Angeles County) were selected from this group to participate in a more intensive research evaluation. This evaluation is being conducted by the University of California, Los Angeles (UCLA) which was contracted by the State Department of Alcohol and Drug Programs (ADP). A memorandum of understanding between the County, UCLA and the State ADP was signed on August 8, 2002.

The evaluation focus on four domains:

- C Costs;
- C Outcomes;
- C Implementation; and
- C Lessons learned.

The UCLA Evaluation Team met with representatives of the CASCs and key ADPA staff members who are involved in finance, information systems, and planning on December 16, 2002. The purpose of the meeting was for UCLA to provide information on the obligations that each focus county is required to fulfill as a participant of the statewide evaluation, and to receive input on the proposed data collection process.

In addition to written surveys and focus group meetings, UCLA also plans to interview approximately 2,000 participants (statewide) 12 months after their initial clinical assessment. Approximately 500 of the 2,000 participants will be randomly selected from Los Angeles County.

SACPA Reporting Information System (SRIS) Evaluation

California State University, Bakersfield (CSUB) has been contracted by the State Department of Alcohol and Drug Programs (ADP) to study the SACPA Reporting Information System (SRIS). This automated system was developed to allow all the Counties to report financial status and client statistics on a bi-annual basis to ADP. A meeting was held on December 9, 2002 at which ADPA staff members raised the application issues encountered by Los Angeles County and provided recommendations on how to enhance the system. A final report including findings and recommended system revisions is due to the State ADP in March 2003.

Proposition 36 Sacramento Conference

An ADPA team participated in a two-day conference, hosted by the State Department of Alcohol and Drug Programs in September 2002 (in Sacramento). The goal of the conference was to provide opportunities for collaborative problem solving among county implementation teams. The conference also provided technical assistance and training for county teams.

Media

The *Los Angeles Times*, *Daily News*, and *Los Angeles Daily Journal* did feature stories on the first year of Proposition 36 implementation in Los Angeles County. The topics of the stories included: First-year accomplishments; Client and program statistics; and, Funding and programmatic challenges for the future. Proposition 36 Monitoring Court bench officers, Deputy Public Defenders, and ADPA staff were interviewed for these articles.

Treatment Courts and Probation eXchange (TCPX)

The Alcohol and Drug Program Administration, along with Countywide Criminal Justice Coordination Committee (CCJCC) and Internal Services Department (ISD), were honored at the 16th Annual Productivity and Quality Awards on October 30, 2002 as one of the winners of the Enhanced Commission Awards 2002. A plaque was awarded in recognition of the development of the TCPX automated information collection, sharing and transmission system, which was specifically designed to support the reporting and statistical needs for the Superior Court, Probation Department, and ADPA for the implementation and operation of Proposition 36.

Conclusion

Overall, Proposition 36 continues to operate at a satisfactory level and achieve its goal of providing treatment for non-violent drug offenders rather than incarceration. The recent RFP and expansion of contracted services are expected to help address the service needs for underserved populations and as well as underserved areas of the County.

In projection of the continuous growth of the Proposition 36 population, the Superior Court, Alcohol and Drug Program Administration, County Departments, treatment providers and the community will continue to collaborate and coordinate their efforts. In addition, the Proposition 36 Executive Steering Committee will continue to monitor the on-going operation of Proposition 36 services to ensure overall compliance and quality assurance with the requirements and services established by the program.

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